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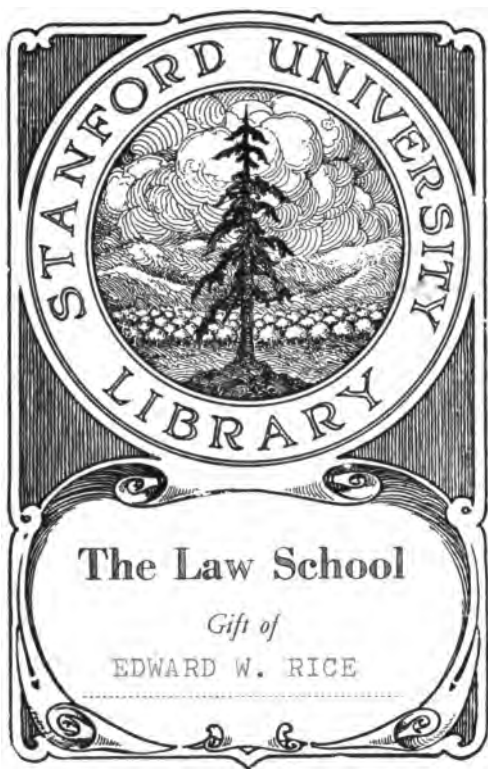
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**AN ESSAY**  
**TOWARDS AN**  
**HISTORY**  
**OF THE**  
**Ancient Jurisdiction of the Marshalsea**  
**OF THE**  
**KING'S HOUSE.**

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**TO WHICH IS SUBJOINED AN ACCOUNT**  
**OF THE**  
**COURT OF THE PALACE OF THE KING**  
**AT**  
**WESTMINSTER,**  
**CREATED BY**  
**LETTERS PATENT OF KING CHARLES II.**

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## P R E F A C E.

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THE contents of the following sheets were originally collected together for professional purposes. The first part, concerning the ancient jurisdiction of the marshalsea of the king's house, the author hopes may furnish some curious particulars to amuse the reader respecting a jurisdiction, which though now almost obsolete, and hardly known; yet is inherent to monarchy, and, in ancient times, possessed the highest dignity and power.

The second part the author has been induced to subjoin, to render more known a court, at a time, when the complaint of the expences and delays of the law is but too general, where causes may be tried at a much less expence,

and ended in a much shorter time, than in the superior courts in Westminster Hall, and where the trial is by a jury of the most substantial householders, and by judges appointed by the Crown. With respect to the decency, decorum, and regularity with which the business is conducted in this court, as this court, like all others, is open to the public, they may have an opportunity of judging.



# AN ESSAY,

&c. &c.

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## *Judges of the Court of Marshalsea.*

The Lord Steward.

The Steward of the Marshalsea (a).

The Marshal of the Household.

## *Judges of the Palace Court.*

The Lord Steward.

The Marshal of the Household.

The Steward of the Court.

**T**HE jurisdiction of the marshalsea of the king's house is of the highest antiquity, and in rank and dignity had none superior to it. It is

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(a) I have placed the steward of the Marshalsea, in precedence, before the marshal of the household, because he is so placed in the statute of *Articuli super Chartas*, 28 *Edw. I.* c. 5. for Lord *Coke* says, in his comment on that statute, 2 *Inst.* 548, that the word "seneschal" does not mean the steward of the household, but the steward of the Marshalsea, who was ever a professor of the common law; and also, because in the report of the Marshalsea case,

coeval with the common law (a), and, from its decisions, till the statute of the 5th *Edw. III.* c. 2. that gave the writ of error to the King's Bench to review them, there was no appeal (b).

The court was held in the hall of the king's

10 Co. 68. in the plea stating the jurisdiction of the court of Marshalsea, it is stated, that the court had been accustomed to be held before the steward of the Marshalsea, and the marshal of the household, and that the court, when that cause was tried, was holden before *Thomas Warre*, Esq. then steward of the Marshalsea, and *Thomas Vavasor*, then marshal of the household.

(a) In the treatise, entitled the *Diversite des Courtes*, the Marshalsea is placed first in rank; and in *Crompton's Jurisdiction of Courts*, it is placed before the Court of Exchequer. Per *Crook, J.* in *Cox and Grey*, 1 *Buls.* 207, "As to the dignity of the court (Marshalsea), it is to be agreed, that the same is of as great antiquity as any court, as appears by the *L. 2 Edw. IV. fol.* 129, where it is said, that the Marshalsea was, and is, one of the "ancientest courts within the realm."

(b) Per *Fleming, C. J.* in the above-cited case of *Cox v. Grey*, "No writ of error, at common law, did lie to the court of King's Bench to reverse a judgment given in the court of Marshalsea, till it was given by statute 5 *Edw. III.* but, at common law, a writ of error lieth to the King's Bench to reverse a judgment given in all other courts, as in the realm of *Ireland*, and *Calais*, because the same court had no court above it." Also 10 *Rep.* 71. *Fleta*, lib. 2. c. 2.

palace, and followed the person of the king wherever he should go (a).

It is said, with reason, to be essential to the kingly power, and so inseparable is it from the person of the monarch, that, during his residence within a foreign state, its authority has been recognised in two remarkable cases (b).

(a) *Fleta*, lib. 2. c. 3. 1 *Buls.* 212. 3 *Black. Comm.* 76.

(b) *Fleta*, l. 2. c. 3. p. 68.

“ *Et hæc omnia officio suo licite poterit facere,*  
 “ *non obstante alicujus libertate, etiam in alieno regno,*  
 “ *dum tamen reus in hospitio regis poterit inveniri, secun-*  
 “ *dum quod continget Paris anno regni regis Edwardi,*  
 “ *decimo quarto de Ingelramo de Nogent capto en hospitio*  
 “ *regis Angliæ, ipso rege tunc apud Paris existente, cum*  
 “ *discis argenti furatis recent : superfacto, rege Franciæ*  
 “ *tunc præsentē. Et unde licet cur reg<sup>i</sup> Franciæ de*  
 “ *prædicto latrone per castellan Paris petita fuerit,*  
 “ *habitis hinc, et inde tractatibus in concilio regis Franciæ,*  
 “ *tamen consideratum fuit, quod rex Angliæ illa regia*  
 “ *prerogativa, & hospitii sui privelegio uteretur, et gau-*  
 “ *deret, qui coram Roberto, filio Johannis militi, tunc*  
 “ *hospitii regis Angliæ seneschallo, de latrocinio convictus*  
 “ *per considerationem ejus cur, fuit suspensus in patibulo*  
 “ *suncti Germani de pratis. Item ad idem inveniri poteret*  
 “ *in rotalis Petri de Channvent seneschall' anno regni regis*  
 “ *Ed. decimo septo in Vas con', ubi dicitur, quod Edmundus*  
 “ *de Murdak appellavit Willielmum de Lesnes de Robbertia,*  
 “ *et pace regis infracta eidem E. perpetrato anno regis Ed.*  
 “ *duodecimo. Et quia dixerat, quod feloniam illam in*

In very ancient times, justice seems to have been administered within it solely by the lord steward of the king's household, whose minister, to execute the process of the court, was no less a person than the earl marshal (a).

Before the statute of *Articuli super Chartas* this jurisdiction, before the lord stewards in person, was very general and extensive, for it extended to all actions real, personal, and mixed, and in all pleas of the crown, as justices in eyre, and vice-gerents of the lord chief justice (b).

“ *intentione suâ ei fuerat infra metas hospitii regis, infra  
“ quas ipsum invenit, licet in alieno regno, non potuit  
“ appellum illud per exceptionem alterius regni declinare.*”

(a) *Fleta*, l. 2. c. 4. *De officio Mareschalli* “ *Ejus autem  
“ executiones sunt facere indic' sen regis infra virgatum..*”

*Britton*, fol. 1.

*Et volons, que le conté de Norfolk per luy ou per autre chyvaller soit attendant a nous, et a nostre seneschal a faire nos commaundements, et les attachments, et les executions de nos jugemens & de nostre seneschal, p' la verge de nostre hostel.*

(b) *Fleta*, l. 2. c. 2.

*Habet etiam (rex) Cur : suam. coram seneschallo suo in aulâ suâ, qui jam tenet locum capitalis justic: regis, qui proprias causas regis terminare consuevit, & falsum judicium ad veritatem revocare, & conquerentibus, absque brevi justitiam exhibere, cujus vices gerit in parte idem seneschall' hospitii regis, cujus interest de omnibus actionibus contra*

It is supposed by Lord Coke, that this general jurisdiction ceased with the passing of the statute before-mentioned ; because, it was enacted, by that statute, that the judges of the King's Bench should follow the person of the king. And this is most probable, for as the lord steward acted only as the vicegerent of the lord chief justice in his absence, when it was directed that the judges of the King's Bench should follow the person of the king ; and therefore would be always present with him, such general jurisdiction became no longer necessary (a).

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*pacem regis infra metas hospitii, continentes duodecim leucas, in circuitu regis ubicunque fuerit in Angl' quod quidem spatium dicitur "Virgata regia." Fleta, l. 2. c. 2.*

*Seneschallus autem, ex officio sibi commissio, potestatem habet omnes injurias, omnesque actiones criminales, et personales per inventionem pleg. de proseguendo conquerentibus plenam justitiam exhibere, nullo essonio allocato.*

Sect. 4. *Debet autem seneschallus nomine capitalis justic' cujus vices geret, mandare vic' loci, &c.*

2 Inst. 549, Case of the Marshalsea, 10 Co. 71.

(a) *Articuli sup. Chartas, 28 Edw. I. c. 5. "Et d'auter part le roy voit, que le chancellor, et les justicis de son bank luy suivent, issint que il eyt tous jours presde luy ascun sages de la ley, qui sachent les besoignes, que vieignent a la cour duement delivrer a tous les foits que mestier serra."*

But, besides this general jurisdiction, there was also a particular jurisdiction belonging to the marshalsea of the king's house, and this was the jurisdiction peculiar and inseparable from the person of the monarch.

This jurisdiction was to punish crimes, and to decide differences arising within the palace of the king, or within the verge thereof, between persons of the king's household (a). It was called the Court of the Marshalsea of the king's house. Of this court the lord steward was also the head; but, as far as books can give us any account, it has been usually holden before the steward of the court of Marshalsea, and the marshal of the king's house (b).

The office of steward of the court of the Marshalsea of the king's house seems, at first, to have been created as the deputy of the lord

(a) *Diversite des Courtes*, fol. 102.

*En primes le court appel. le marshalcy est auncien court, et fait pur aver bon gouvernaunc' et order deins hostell le roy, pur conservacion del roy et ses servants et a cest court est un certain bound, e lymit deins ql ce court ad jurisdiction, et neynt dehors.*

(b) This appears, from Lord Coke's commentary on these words of the statute of *Articuli super Chartas*, 2 Inst. 548, viz. *Des seneschals, et marshals, et des ples que eux devoient tener*. "These words," says Lord Coke, "are general, but they are to be understood of the steward of the court of

steward of the household (a), as, I think, it is pretty clear, from a passage in *Fleta*, was the office of marshal of the king's household created, as the deputy of the earl marshal (b). The origin of the common vulgar appellation of "*knight marshal*," given to the marshal of the household, is thus explained by a reference to the passages cited from *Britton* and *Fleta*, and confirms my supposition, that this officer was

Marshalsea of the household, who is ever a professor of the common law, and not of the steward of the king's household. Also in the case of the Marshalsea, 10 Co. 68, in the plea justifying the assault, the court is stated to be usually holden before the steward of the court of Marshalsea, and the marshal of the King's household for the time being.

(a) By the 33 H. VIII. c. 12, the appointment of the steward of the court of Marshalsea is given to the lord steward of the household. And in an old Solicitor's Practice, of the date of 1630, giving an account of the court of Marshalsea, it states the oath then taken by the steward of the court to be as deputy to the earl of Pembroke, lord steward of the household.

(b) *Fleta*, l. 2. c. 4. p. 69. *Marescalcia autem est quedam magna serjantia regis, com' Norfol' in feodo commissa, cui cum personaliter servitium pro serjantiâ illâ, regi debitum, facere non possit, liceat loco suo quendam militem constituere, assensu tamen regis inter veniente, qui vice dicti comitis faciet, quæ fuerint faciend.*

*Britton*, fol. 1. "*Et volons que le conte de Norfolke parly, ou p' auter chyvaller soit attendant a nos, et a nostre seneschal.*"

the mere representative of the earl marshal (a). If I should be right in my supposition respecting the origin of the two officers of steward of the Marshalsea and marshal of the household, it is easy to account, why, after the passing of the act of *articuli super chartas* to the time when this court ceased to sit for business, by the creation of a new court, which I shall hereafter speak of, that all pleas were held before the steward of the Marshalsea, and the marshal

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(a) It would be foreign to the subject of these sheets to enter into a discussion on the derivation of the word marshal, whether the office was first created in this country, or brought from abroad, and the various offices to which this name is applied. Much discussion has taken place, whether the office of marshal of *England*, and of the household, were originally the same, and whether the magistracy of the Marshalsea refers to the marshal of *England*, or be distinct from it. There is now a marshal of *England*, of the household, of the King's Bench, of the Marshalsea, and of the Exchequer, and in old time there were the marshals of the king's hall, as well as the marshal of the household. The officer now spoken of, had various duties to perform, from the highest to the lowest, for he was not only to be attendant on the king himself, but, according to *Fleta*, he was to perform the office of a constable within the palace. For he says, speaking "*De officio Marescalli in tempore pacis.*" Lib. 2. c. 5. "*Eoram autem interest virgatam a meretricibus communibus protegere et deliberare, et habet, ex consuetudine*" "*Mar' de qua libet meretrice communi infra metas hospitii*" "*inventa quatuor denarios primo die, &c.*"



of the household, the one being the representative of the lord steward, and the other of the earl marshal.

I will first consider the jurisdiction of the court of Marshalsea with respect to the pleas of the crown. The style of the court was "*placita coronæ hospicii domini regis* (a) *tent. cor. seneschallo, et mariscallo hospicii domini regis.*" It had the power to try treason, murder, and felony, and to take appeals of them, and also of mayhem, provided they were committed within the verge, and between persons of the king's household (b). This power, it seems to have been the opinion of Lord Coke (c) and Stamford (d), was put an end to, by the passing of the statute of 33d H. VIII. c. 12. By this act power was given to the lord grand master, or lord steward of the household, for the time being; or, in his absence, to the treasurer and comptroller of the household and steward of the marshalsea (e), or any two of them, of

(a) *Diversite des Courtes. Tit. Marshalsie, f. 102.*

(b) *Ib.*

(c) 2 Coke Inst. 549.

(d) Stamford, P. C. P. 57. having stated that the court of King's Bench had power to try treason and felony without commission by virtue of their offices, goes on in these words, "*Item le steward, et marshal de hostiel de roy devant l' estatut fait anno, 33 H. VIII. c. 12.*"

(e) Though the steward of the Marshalsea in the ancient

which the steward of the Marshalsea should be one, to inquire of, hear, and determine all treasons, misprisions of treason, murders, man-slaughters, bloodshed, and other malicious striking, whereby blood shall be shed in any one of the palaces, or houses of the king, or any other house, where the king in his royal person shall be abiding. But this opinion cannot be accurate, for, in the first place, this statute only respects certain offences committed within the palaces, and houses, where the king, in his royal person, shall be abiding; whereas the jurisdiction of the Marshalsea extends twelve miles round the palace of the king, and is not confined to the palace, or house itself. Secondly, the very statute itself

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court of Marshalsea is next to the lord steward in precedence, as a judge; and though, by this act of parliament, in the absence of the lord steward, he forms an essential part of the court, for he must be present, with the treasurer and comptroller, or the court cannot sit; speaking of whom, and of the treasurer and comptroller, *Stamford*, commenting on the 33 H. VIII. Pl. Cor. p. 57, uses this expression, "*Quar' ceux sont grand, et elect personnages en quel le roy reposa tant d'affiance que il eux ordone especialment a cet purpose pur le safety, et bon gouvernement de son royaume, et hostiel;*" yet no precedence has been attached to the office elsewhere, though the recorder of London, a judge appointed by a corporation, and not by the crown,

shews it, for, by the 21st section of it, there is an express saving of the privileges of the Marshalsea (a); and a new offence of felony is created by that statute, which is directed to be tried before the steward of the Marshalsea, *as other offenders for offences* done within the verge (b). The limits, called the verge, are defined in *Fleta* in the passage already quoted, from *l. 2. c. 2*, and called "*virgata regia*;" and also in the same author, *l. 2. c. 4*. in these words, "*ipsi autem servienti*" (speaking of the marshal) "*commissa est virga coram rege deferenda, quæ signat pacem, et unde dicitur virgata, quæ sequitur regem ubicunque fuerit in Angliâ, et spatium continet duodecem leucarum.*" "They are also defined by the statute of the

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is recognised in the court of King's Bench, and is allowed precedence as such.

(a) Sect. 21. Provided also, that the liberty and jurisdiction of the Marshalsea court, and circuit of the verge, shall be, in all points, privileges, and authorities used by the ministers and officers of the same, in as full and ample manner, as hath heretofore been lawfully used for murder, felonies, offences, and all trespasses, contracts, and other suits, whatsoever they be, any thing in this act to the contrary thereof notwithstanding.

(b) Sect. 27. If any person, or, &c. shall from, &c. steal, or feloniously take away any plate, jewels, or other goods of our said sovereign lord the king, &c. of the value of 12d., or above; (or break, and enter into any of the king's

13 *Rich. II. c. 3. st. 1. (a)* The better opinion seems therefore to be that of Lord *Bacon (b)*,

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houses to the intent to steal any of the king's goods,) (this part is repealed) though his majesty be absent, or any other house, which it shall fortune the same his majesty to be lodged, or abiding therein, every such offence to be deemed felony, and the person or persons so offending, their abettors, &c. being lawfully convicted, shall suffer the like penalties, as appertains to felons, not having the benefit of clergy or sanctuary; and every such offender being apprehended within the verge of the king's house, to be arraigned and tried by men of the country, as other offenders for offences done within the verge before the steward of the said Marshalsea, and others unto him associated.

(a) The words of the statute are, "that the court of the steward and marshal of the king's house, nor also the jurisdiction of them, shall not pass the space of 12 miles to be counted about the tonnel (i.e. palace) of our said sovereign lord the king."

(b) Charge at a court of verge by Sir *Francis Bacon*, 4 *Bacon*, 246. 4to Ed. "And this jurisdiction (the Marshalsea,) was in ancient times exercised, and since, by statute, ratified by the lord steward with great ceremony in the nature of a peculiar king's bench, for the verge; for it was thought a kind of eclipsing of the king's honour, that where the king was, any justice should be sought but immediately from his own officers. But in respect that that office was often void, this commission (of the verge) hath succeeded; which change I do not dislike, for though it hath less state, yet it hath more strength legally."

and Sir *Matthew Hale* (a), that nothing had taken away this jurisdiction belonging to the court of *Marshalsea*, but that it had grown into disuse, and had given place to another method or proceeding, viz. by commissions of oyer and terminer, and of gaol delivery, called commissions for the verge. I consider, therefore, that the jurisdiction within the verge, for the trial of pleas of the crown is still existing, and inherent to the court of *Marshalsea*, though it has not been exercised for a long series of time.

In confirmation of this position, there is still a coroner for the verge (b) appointed, as well as a coroner of the king's house, created by the said statute of the 33 *Henry VIII*. But had this statute put an end to that jurisdiction of the *Marshalsea* in criminal cases, which existed before the passing of it, it is clear, I think, from that moment the office of coroner for the verge would have been extinct, especially as by that statute a coroner for the king's house was created.

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(a) " But the original power of the steward and marshal within the verge, though I know nothing which hath expressly taken it away; yet by disuse is, in effect, vanished, and is wholly exercised by this special commission (of the verge)." 2 *Hale's P. C. P.* 11.

(b) *Britten*, fol. 2. *Et in nostre hostell soit un coroner; qui face le mestier de le courone parmy le verge, et par tout ou no' serons, et venons en nostre royaume.*

The duty of the coroner for the verge is, though I believe now wholly disregarded, in deaths happening within the verge, to sit, jointly with the coroner of the county to take the inquisitions, as directed by the afore-mentioned statute of *articuli super chartas* (a). For, before that statute, the coroner for the verge had the sole jurisdiction within the palace and the verge thereof, and the coroner for the county could not interfere; and to remedy the inconveniences occasioned thereby, that statute directs in cases of the death of man, it shall be commanded to the coroner of the county, that he, *with the coroner of the verge*, shall do as belongeth to his office. In this opinion, I am confirmed by Sir *Matthew Hale* (b), who, in commenting on this statute of *articuli super chartas*, uses this expression, "But yet in case of death within the verge, the coroner of the county cannot take an inquisition without the coroner of the verge; and, if he doth, it is void (c)." I should apprehend, therefore, that all inquests, as they are now, I believe, taken by the coroner of the county singly, when the question should be discussed, will be held to be bad.

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(a) C. 3.

(b) 2 *Hale's P. C. P.* 55.

(c) Also vide *Katherine Wrote's case* in the fourth part of *Lord Coke's Rep.* 45, where the question was, whether an inquisition taken by a person, who filled the two offices of coroner

The office of coroner of the king's house is exercised independent of the coroner for the county, within the limits of his majesty's palaces, or houses, according to the regulations directed by the said statute of the 33 of *H. VIII.*

This criminal jurisdiction then has given place to commissions for the verge directed to the great officers of state, the judges, the steward of the Marshalsea, and others (*a*). By virtue of this commission they are to proceed, by good men of the county where the offence was committed, <sup>whether</sup> whether committed in the palace or elsewhere, within the verge, and a precept issues to the marshal of the household to impanel a grand inquest out of every county within the verge to appear, where they sit, and there to enquire and try the offences committed in that county. They can only proceed on indictments taken before themselves, and therefore cannot proceed on coroner's inquests; but the commission of gaol delivery, which is always added, enables them to try on coroner's

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for the verge, and for the county was good? And it was held to be good; for that it was not necessary that there should be two persons, but that it was sufficient if both offices existed in one person. Now, if it were sufficient for the coroner for the county alone to take the inquisition, this discussion could not have arisen.

(*a*) In *Coke's Entries*, 53, 54, and 55, a commission for the verge is set out at full length, and the proceedings upon it.

inquest (*a*). Before I quit the subject of the criminal jurisdiction of the Marshalsea, it may not be improper to mention the two judicatures created by the statutes of 3 *Hen. VII.* and 33 *Hen. VIII.* which, though they form no part of that jurisdiction, yet as they respect the king's palaces and household, may not unfitly be considered here.

With respect to the judicature established by the statute of *H. VII. (b)*, it is enacted, "that from henceforward the steward, treasurer, and comptroller of the king's house, for the time being, or one of them, have full authority and power to enquire by twelve sad and discreet persons of the chequer roll of the king's honourable household, if any servant admitted to be his servant in his house sworn, and his name put into the chequer roll of his household, whatsoever he be, serving in any manner, office, or room, reputed, had, and taken, under the state of a lord, make any confederacies, compassings, conspiracies, or imaginations, with any person or persons to destroy or murder the king, or any lord of this realm, or any other person sworn to the king's counsel, steward, and treasurer, or comptroller of the king's house; that if it be found, he be then put to answer, and

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(*a*) Vid. 2 *Hale's P. C.* page 10.

(*b*) *C. 14.*



then the steward, &c. or any two of them, have power to determine the same matter according to law; and if he be put upon trial, that then it be tried by other twelve sadmen of the same household, and that such misdoers have no challenge but for malice. And if such misdoers be found guilty, by confession, or otherwise, that then the said offence be adjudged felony, &c.” (a) The purpose of the latter statute (b), I have already mentioned. With respect to the effect of it, there is a difference of opinion between Lord *Coke* and Lord *Hale*; the opinion of the latter being, that though this act created a new kind of jurisdiction, and that without any commission, yet, being an act in the affirmative, it doth not exclude the jurisdiction of the King’s Bench, nor of commissions of oyer and terminer, to hear and determine those offences, though committed in the king’s house (c). That Lord *Coke* was of different opinion, appears from the following quotation (d), “ If a robbery was committed within the verge, and this appeared to the court, *yet* the same was inquired of, heard, and determined in the King’s Bench; and so it may be before

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(a) Vide Lord *Coke*, 3 Inst. 37.

(b) 33 H. VIII. c. 12.

(c) 2 *Hale*, P. C. P. 8.

(d) 2 Inst. 549.

“ justices of oyer and terminer, and justices  
 “ of the peace, because their jurisdiction is  
 “ general throughout the whole county; but  
 “ of an offence within the king's palace, it shall  
 “ be heard and determined according to the act  
 “ of the 33 H. VIII.” This latter opinion  
 surely must be the correct one; for how can  
 it be contended, that an act of parliament ex-  
 pressly passed for the purpose of providing,  
 that certain offences, done within certain limits,  
 and directed to be tried before certain persons,  
 pointing out particular persons to constitute  
 the jury, directing the mode of punishment,  
 and the officers to assist at it, does not in sub-  
 stance, though not in words, constitute an  
 exclusive jurisdiction (a)?

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(a) Lord Hale, in farther commenting on this statute,  
 says, “ it seems to me, that, by the directions of that sta-  
 “ tute, the proceedings of the lord steward, or the steward  
 “ of the Marshalsea, are to be by a sessions within the king's  
 “ house or palace where the felony was committed.” Also,  
 “ Though this act has been long since made, and is a com-  
 “ mission in itself, yet, till this year, I never heard, or  
 “ knew of any session on this statute.”

Vid. Vol. II. *Harg. State Trials*, p. 16.

Case of Sir *E. Knyvett*, extracted from *Stowe's Annals*,  
 586, and *Hollingshead*, who was supposed to have been tried  
 under that statute. But Lord *Herbert*, in his *Life of*  
*Henry VIII.* says, stating the passing of this statute, “ the  
 “ occasion, it seems, was given by Sir *E. Knyvett*, who,  
 “ being lately condemned to lose his hand for this fault,  
 “ striking in the king's palace, was yet pardoned.” Lord  
*Herbert's Life of Henry VIII.* 4to. Ed. 406.

I will here mention an action given to the jurisdiction of the Marshalsea by the statute of the 2d H. IV. c. 23, before I consider the civil jurisdiction of that court, because though a proceeding, civil in its form, yet in substance must be considered as criminal. It is an action given to the party grieved, against the marshal of the Marshalsea of the court of our sovereign lord the king's house, for extortion. As the marshal is a party, it is directed to be tried before the steward of the court alone; and if the verdict be against the said marshal the judgment is, that he lose his office, and pay treble damages to the party grieved (a).

To consider now the civil jurisdiction of the

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(a) 2 H. IV. c. 23, enacts, whereas the marshal of the Marshalsea of the court of our sovereign lord the king's house, in the time of King Edward, grandfather to our sovereign lord the king, that now is, was wont to take fees as hereafter followeth, &c. &c. which fees were wont to be paid in full court as the king well perceived by the complaint of the said commons, &c. The same our sovereign lord the king to avoid all such duresses and oppressions to be done to his people against the good customs and usages made and used in the time of his progenitors, by advice, &c. &c. hath ordered and established, That, if the said marshal or his ministers under him, take other fees than above is declared, that the same marshal and every of his said ministers, shall lose their offices, and pay treble damages to the party grieved; and that the party grieved have his suit before the steward of the said court for the time being.

Marshalsea of the king's house, I have stated before, that antecedent to the Stat. of *articuli super chartas*, it was very general and extensive. By that Stat. the jurisdiction is defined (a); and it is ordained, that henceforth, that court should not hold plea of freehold, nor of debt, nor of covenant, nor of any contract made between the king's people, but

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(a) *Articuli sup. chart.* 28 Ed. 1. concerning the authority of the stewards and marshals, and of such pleas as they may hold, it is ordained that from henceforth they shall not hold plea of freehold, nor of debt, nor of covenant, nor of any contract made between the king's people, but only of trespass done within the king's house, or within the verge, of such contracts and covenants that one of the king's house maketh with another of the same house and within the house, and none other where. And they shall plead no plea of trespass, except the parties were attached by them before the king departed from the place where the trespass was committed, and shall plead them speedily from day to day, so that they may be pleaded and determined before that the king depart out of the limits of the same verge where the trespass was done. And if it so chance, that they cannot be determined within the limits of the same verge where the trespass was done, then shall the same cease before the steward, and be matter determinable at the common law; and from henceforth, the stewards shall not take cognizance of debts, or of other things, but of such only as be of the king's house, nor shall hold none other plea by obligation made at the distress of the steward or marshal; and if they attempt any thing contrary to this ordinance, it shall be holden as void.

only of trespass done within the king's house, or within the verge, &c. of such contracts and covenants, that one of the king's house maketh with another of the same house, and none elsewhere. The construction on which statute has been, that the jurisdiction of the Marshalsea extended only to three kinds of actions, viz. debt, covenant and trespass; to the two first, only in the case, where both the parties are of the household of the king; but in trespass it sufficeth if one of the parties be of the king's household (a). Even in trespass the jurisdiction of the court doth not extend to all kinds of trespass, as *trespass quare clausum fregit*; but only to trespass *vi et armis*, as of battery and taking away goods. Why it should be necessary, that in trespass one of the parties should be of the king's household is not easily seen: since the qualification, that the parties be of the king's household, is, as clear as words can express meaning, confined to debt and covenant: all the qualification in trespass being, as required by the statute, that the trespass be committed, within *the king's house, or within the verge*.

Notwithstanding this statute had thus abridged the jurisdiction of the Marshalsea,

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(a) Vid. the case of the Marshalsea, 10 Co. 68; and *Cor v. Grey*, 1 *Buls.* 207, where all this subject is fully argued and considered.

and which statute had been confirmed by the stat. 5 & 10 *Edw. III. c. 2. (a)* yet the judges of that court still endeavoured to evade the provisions of those statutes, by resorting to fiction, taking example from the courts in Westminster-hall. The cause therefore was commenced against the defendant, as of the king's household; and in the record both parties were averred to be of the household of the king. The statute therefore of the 15 *H. 6. c. 1*, was made, by which it was enacted, that the defendant shall not be estopped, notwithstanding such averment, from saying that neither the plaintiff, or the defendant were of the household of the king *(b)*. The style of the civil court was, "the court of the Marshalsea of the king's house."

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(a) 5 *Edw. III. c. 2.*; and 10 *Edw. III. c. 2. st. 1.* These statutes direct inquests before the steward and marshal to be taken by men of the country thereabout, and by no man of the king's house, except it be of contracts, covenants, or trespasses, made by men of the king's house of either part, and that in the same house.

(b) "Because stewards and marshals of the king's house and their deputies, do use to hold plea between parties which be not of the same house, making mention in their records, that the plaintiffs and defendants were of the said house, against the will of the defendants, and against law; Be it enacted, that in any suit from henceforth against the said defendant to be taken, they shall not be stopped by such record, to say, that they themselves, or the plaintiffs

Notwithstanding the statute of *H. VI.* the court of Marshalsea still continued to entertain suits, where the parties were not of the king's house, and to hold plea in actions not within the statute of *articuli super chartas*, till the decisions of *Cox* and *Gray*, which was a writ of error from the court of Marshalsea to the King's Bench; and the error assigned was, that neither of the parties were of the king's house. *Michellbourn's case* (a), which was the case of a writ of error to the King's Bench, for a similar cause; and the Case of the Marshalsea, which was an action of trespass brought in the Common Pleas, treating the defendants as trespassers, in executing the process of the court of Marshalsea, neither of the parties being of the king's household. In the two first cases the judgment was reversed; and in the last case, the action was held to be maintainable for this cause. These decisions both of the King's Bench, and Common Pleas made it necessary that the judges of the court of Marshalsea should confine themselves strictly to the directions of

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" in the same records specified, were not at the time of the  
 " said plea or suit thereof commenced of the king's house, as  
 " by the same record is supposed, but the defendants shall  
 " have their averment to say, that they themselves, or the  
 " said plaintiffs, were not of the same house at the time of  
 " such plea, or suit commenced, the said record, or other  
 " matter within the same contained, notwithstanding."

16 *H. VI.* c. 1.

(a) 6 *Co.* 20.

the Stat. of *articuli super chartas*; the natural consequence of which was, that the business of this court was nearly extinguished: for as the parties litigant in this court could only be those who were of the household of the king, or at least one of them, it would rarely happen, that a suit could be commenced in it.

Immediately upon these decisions having passed, and, it should seem, occasioned by them, a new court of record was erected by letters patent in the 12th year of the reign of *James* the first, and styled “*Curia Virgi Palatii Domini Regis*” to extend the jurisdiction of the Marshalsea Court. The judges nominated by the letters patent, were Sir Francis Bacon, then solicitor-general, and Sir James Vavasor, knt. then marshal of the household. The court under these letters patent only continued till the 6 *Car.* 1. when fresh letters patent constituted another court, called *Curia Palatii Regis, Westm’*. The first judges of this court were Sir Edward *Herbert*, constituted steward of the court, and Sir E. *Verney*, then marshal of the household.

The legality of these letters patent were questioned in the case of *Fish v. Wagstaff* (a); and, on a writ of error brought in the King’s Bench,

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(a) Trin. Term. 9 *Car.* Cro. *Car.* 318.

This is the only report of *Fish v. Wagstaff*, which I can find. It is very short, and it cannot be collected, from the case, what the real cause of error was. It, however, must



the judgment was reversed. Nevertheless, I find the court still continued to sit; for, in Hilary Term; 15 *Car. I.* is the case of *Bulley v. Hubbins* (a), which was a writ of error from this court; but no cause of error was assigned on the score that the letters patent were illegal. The troubles soon succeeded; and, till the restoration, I have not been able to find whether this court continued its sittings; but most probably it ceased to sit with the extinction of royalty. On the restoration, however, the court resumed its function, for I find another case, in Hil. T. 15 and 16 *Car. II.* in the King's Bench, called *Inman v. Batten* (b), which was also a writ of error from this court, and at the end of the case is this note, "*Et Keeling Justice, semble que les letters patentes pur erecting le palace court fueront void, et que chescun que fuit pris per cullour de lour proces poit aver faux imprisonment.*" These doubts existing respecting the legality of these

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have occasioned some discussion; as in the 2d vol. of *Rushworth's Collections*, p. 104, will be found a letter from Mr. *J. Whitelock* on the part of the judges to king *Charles* the first, occasioned by his complaint to them for having interfered with the jurisdiction of the court he had erected, and particularly with respect to the case of *Fish v. Wagstaff*. I have subjoined the contents of this letter in the Appendix A.

(a) *Cro. Car.* 571.

(b) 1 *Sid.* 180.

letters patent of *Charles* the first, another court (the present one) was erected immediately after the case of *Inmun v. Batten*, by letters patent dated the 4th *October*, 16 *Car. II.* by the title of THE COURT OF THE LORD THE KING OF THE PALACE OF THE KING AT WESTMINSTER. It recites the purpose for which the court was erected thus, “ And although the court of the Marshalsea of the kings of *England* be an ancient court, and ordained for the good government, and keeping the peace within the palace of the kings of *England*, &c. and for holding pleas in divers actions, happening between divers persons, within the palace and verge of the aforesaid palace, as by the laws and statutes of this our kingdom of *England* is manifest and appears. And yet our subjects inhabiting, coming unto, and sojourning within the precinct of the verge aforesaid, but not being of our household, would have no remedies in divers causes, &c. ; and that more-over pleas commenced in the said court, and not finished before we went from the limits of the verge of the same palace were wont according to the laws and statutes of this our kingdom of *England* by our departure from the aforesaid limits to abate, so that it often happened within the, &c., that justice could not be had without grievous and great delay: KNOW YE THEREFORE that we desirous to apply a speedy remedy, &c.” (It then

establishes a certain court to be called as before stated.) It gives the power of trying all personal actions whatsoever, and to whatsoever amount they may be (a) arising within the said twelve miles from the aforesaid palace of *Westminster*, with exception of the city of *London*, and except all personal actions, pleas, and plaints, of this kind, in which as well the plaintiff as the defendant are of the household of the king, and except all actions of trespass *vi et armis*, in which the plaintiff or the defendant shall be of the king's household. The judges of this court are the lord steward, marshal of the king's household, and the steward of the court, who before they are to execute the office of judges are to take an oath before the Lord Chancellor,

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(a) Although this power is given of trying causes to any amount, yet by the stat. of 21 *Jac. I. c. 23*, the defendant, if the damages in the declaration amount to 5*l.* or upwards, may remove the cause by *habeas corpus*, &c. into the superior court. Surely, when the expences of the superior courts, are so much complained of for the trial of causes of small value, it might not be impolitic for the legislature, especially when the sum to hold to special bail has been lately by an act of parliament increased from 10*l.* to 15*l.*, from the diminution in the value of money, to increase the sum beyond which the defendant shall have power to remove the cause from an inferior court, of a description with that now treated of, to something corresponding with the difference in the value of money between the time of *James I.* and the present.

earl marshal, lord chamberlain, the treasurer or comptroller of the household to do speedy justice. The steward of the court has the power to appoint a deputy, who must take a similar oath before either of the said persons. The lord steward, the marshal, the steward of the court, or his deputy, must attend each court day, **unless** they have a reasonable cause of absence. It orders that four counsel, six attornies, and a prothonotary shall belong to the court, whose offices are for life. The usual day of the court's sitting is on a *Friday*, unless that day should happen to be on a holy day appointed by the letters patent, and then the court sits on the day preceding. No longer time is allowed to either party to put in any pleading on his part, than from court day to court day; so that a cause is commenced and judgment obtained in about five weeks, and that at about a third of the expence of a cause tried in *Westminster-hall*. The juries are selected in rotation, each pannel serving two court days, from the different places within the circuit of the verge from the most substantial householders. This being the king's own court for his palace (a) persons within the precinct

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(a) *Rex v Stubbs*, 3d Term Rep. 735.

The defendant was indicted for an assault, who, as one of the bearers of the verge, had executed a *capias* out of the palace court, and arrested Mr. *Pyott*, within the king's

of palace can claim no privilege from arrest, whereas in process issued from all other courts, it is necessary first to obtain leave from the lord steward of the household before an arrest can take place.

The place where the court of Marshalsea sat for a long series of years was in *Southwark*; probably, because in ancient times one of the palaces of the king was there. To confirm this supposition, the street in which the court is situated is, at this day, called King Street. There is likewise the record of a grant of the 47 of *Edw. III.* to the good men of *Southwark*, empowering them to "rebuild in our royal street, which  
" extends from the church of the Blessed  
" *Margaret* towards the south, in the same  
" town a certain house, &c. to hold in  
" the same house, as well the pleas of the

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palace at *Westminster*. Lord *Kenyon*, in delivering his judgment, said, "Supposing there were certain privileges annexed to the king's palace by common law, prior to the reign of Charles II., yet the king had a right to dispense with them, which he did, by the charter creating the palace court; the officers of the household are exempted out of the charter, and therefore their privileges remain as before. Therefore the defendant was acquitted.

Also, in another case, where the defendant was *junior clerk of the kitchen*, and had been arrested on a *ca. sa.* out of the King's Bench, application was made to the court of King's Bench, to discharge him out of custody on the score of privilege, and allowed.

*Bartlett v. Hobbs*, 5 Term Rep. 686.

“ Marshalsea of our household, and for the  
 “ safe custody of the prisoners in the same  
 “ Marshalsea, for the time being, in the same  
 “ town, as to hold, in the aforesaid house, all  
 “ other courts of us and our heirs, which shall  
 “ be held in the same town, for the time to  
 “ come, by reason of the assizes, juries, in-  
 “ sitions to be taken by *nisi prius*, and by any  
 “ other cause whatever.” At what time the  
 present court was built, I have not been able  
 to ascertain; but it is now in so ruinous and  
 dangerous a state, that it is no longer safe  
 to sit in; but a court has been borrowed for  
 that purpose, till a new court can be built,  
 which, it is hoped, will no longer be delayed  
 to be carried into execution; since while it  
 happens, that the various jurisdictions both  
 public and private within the kingdom, have,  
 at least, decent edifices, and some magnificent  
 for that purpose, it is not for the furtherance,  
 or seemly for the splendor, or even decorum  
 of royalty, that the court of the king’s own  
 palace, directed by the charter to sit within  
 the king’s own palace, should remain without an  
 edifice of its own in which to hold its sittings.

A prison also is attached to the jurisdiction  
 of the Marshalsea, and is likewise the prison  
 to this court. From the charter granted by  
*Edw. VI.* to the city of *London*, of *South-  
 wark*, it appears, (a) that this prison was also

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(a) For the letters patent, dated 23d April. 4 *Edw. VI.*  
 granting certain franchises in *Southwark* to the city of *Lon-  
 don*, are the exceptions following,

situated in *Southwark*. *Stowe* in his *Survey of London*, folio edition, 1633, p. 455, speaks of the prison in these words, "there is  
 " also the Marshalsea, another gaol, or  
 " prison, so called, as pertaining to the mar-  
 " shals of *England*, of what continuance kept  
 " in *Southwark* I have not been able to learn;  
 " but, like it is, that the same hath been re-  
 " movable at the pleasure of the marshals, for  
 " I find that in the year 1376, 30 *Edw.* 3.  
 " *Henry Percy*, being marshal, kept his pri-  
 " soners in the city of *London*, where having  
 " committed one *Prendergast* of *Norwich*,  
 " contrary to the liberties of the city of *London*,  
 " the citizens by persuasion of Lord *Fitzwal-*  
 " *ker*, their standard-bearer, took arms and

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1st. Of all the king's rights, jurisdictions, &c. within the walk, circuit, and precinct of his capital messuage, gardens, and park, in *Southwark*.

2dly. Of the house, messuage, &c. called the King's Bench, and the gardens to the same belonging, so long as it shall be used as a prison for prisoners.

3dly. Of the house, messuages, or lodging, there called the Marshalsea, and the gardens to the same belonging, so long as it should be used as a prison for prisoners, as it was then used.

4thly. That the letters patent should not be prejudicial to the office of the great master, or steward of the king's household, within the borough and precincts to be executed, while the same borough and precincts should be within the verge.

" ranne with great rage to the marshal's inne,  
 " brake up the gates, brought out the prisoner,  
 " and conveyed him away, minding to have  
 " burnt the stocks in the midst of the city,  
 " but they first sought for Sir *Henry Percy* to  
 " have punished him, as I have noted in my  
 " annals." (a)

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(a) Stowe's Annals.

There is also another circumstance mentioned in Stowe's  
*Surtey*, p. 455, as follows, " About the feast of Easter  
 " next following, John Duke of Lancaster, having caused  
 " the whole navy of England to be gathered together at Lon-  
 " don, it chanced a certain squire to kill one of the mariners,  
 " which act the other mariners taking in ill part, they brought  
 " their suit into the king's court of Marshalsea, which then,  
 " as chanced, saith my author, (not mentioning whom,) was  
 " kept in Southwark; but when they perceived that court  
 " to be favourable to the murderer, and also that the king's  
 " warrant was gotten for his pardon, they, in great fury ran to  
 " the house, wherein the murderer was imprisoned, brake into  
 " it, and brought forth the prisoner, with his givens on his leg-  
 " ges, they thrust a knife in his heart, and sticked him as if  
 " he had been a hogge, after this they tyed a rope to his givens,  
 " and drew him to the gallows, where when they had hanged  
 " him, as though they had done a great act, they caused the  
 " trumpets to be sounded before them to their ships, and there  
 " in great triumph, they spent the rest of the day." Again,  
 in the same author, " The rebels of Kent in the year 1381,  
 " brake down the houses of the Marshalsea, and King's Bench,  
 " in *Southwark*, took from thence the prisoners, brake  
 " down the house of Sir *John Towserth*, then marshal of  
 " the Marshalsea and King's Bench, &c. After this in the



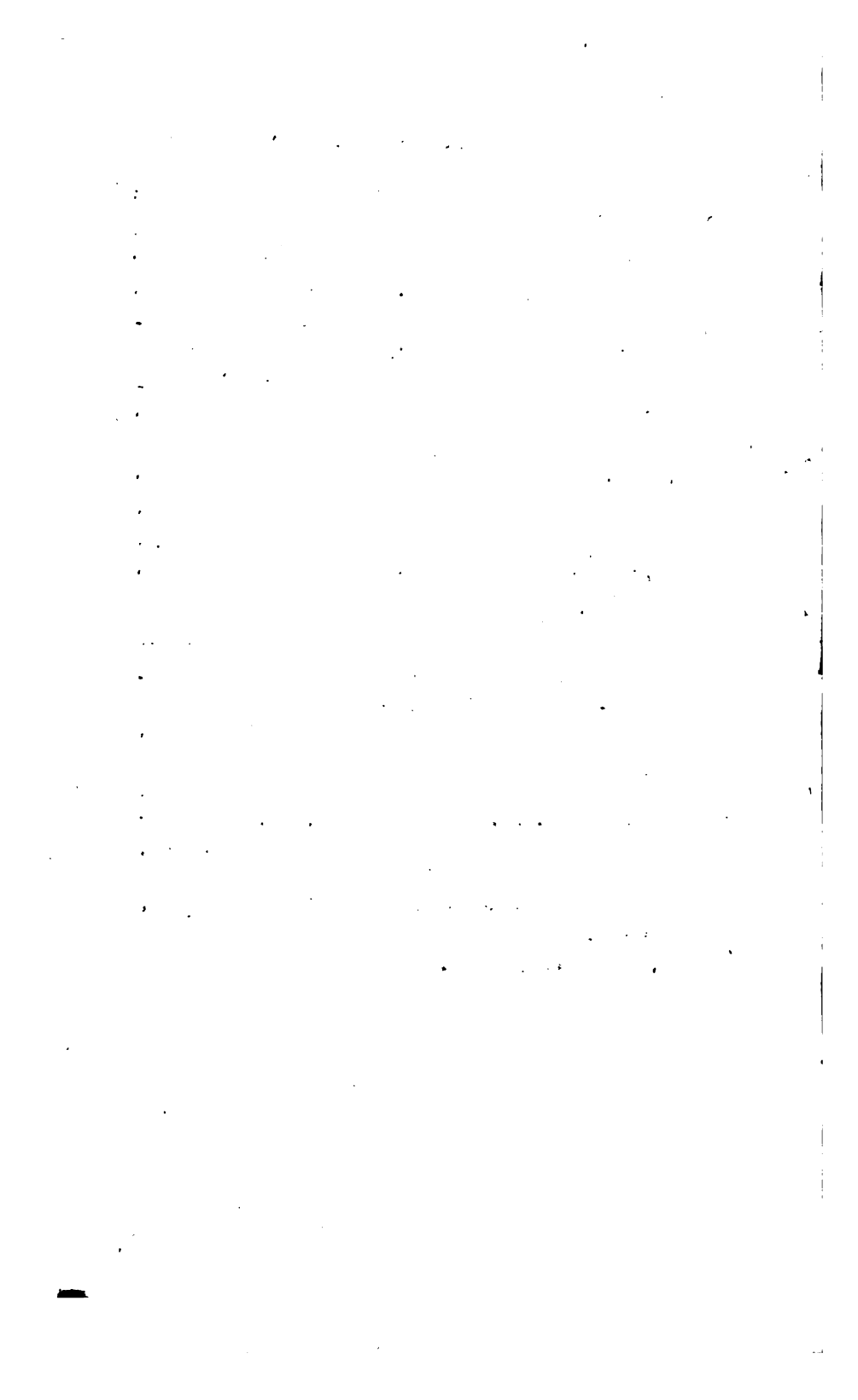
This prison being also in a very ruinous state, another prison, contiguous to the former, hath been built, and is just finished, at the expence of government. In this prison besides those confined for debt, are many of the admiralty prisoners confined.

Charities have been left to it, of which I subjoin the list in the Appendix; as also a list of the fees to be taken in the prison (a). The expences of the prison are now defrayed by an allowance from government; but in ancient times, it seems from the extracts I have given from *Stowe*, as if it were upheld at the private charge of the marshal.

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“ year 1387, the 11th of *Rich. 3d*, the morrow after *Bartholomew* day, the king kept a great counsel in the castle  
 “ at *Nottingham*, and the marshalsey of the king was then  
 “ kept at *Loughborow*, by the space of six days or more. In  
 “ 1443, Sir *Walter Manny* was marshal of the Marshalsey,  
 “ the 22 *Hen. VI.* *William Brandon*, esq. In the year  
 “ 1504, the prisoners of the Marshalsey then in *Southwark*,  
 “ brake out, and many of them, being taken, were executed,  
 “ especially such as had been committed for felony and  
 “ treason.”

(a) Appendix B. and C.



## APPENDIX.

### A.

2 Vol. *Rushworth Collections*, p. 104. Ed. 1680. Trinity  
7th Car. 2d. B. R.

A NEW court for them which were not of the king's household.

It pleased the king's majesty to write unto the judges of the King's Bench, letters in some manner expostulatory, as if they took exceptions at the erection of the new court of the marshal of the household, to hold plea *de non existentibus de hospitio regis* ; which court was first erected by the grant of King James, *February 15th, 22 Jac.*, and again renewed with more perfection, as was conceived, in *November, 6 Caroli*. And a writ of error being brought into the King's Bench, upon a judgment given in this court, the knight marshal fearing this new grant would not be held good in law, caused the king to write to the said judges, as aforesaid.

To which letter an answer was sent to the king penned by me (Mr. J. Whitelock) *per mandatum curiæ*.

Dread Sovereign,

We make bold to inform your majesty in answer to your gracious letter unto us, of the 24th of *June* last, that about two years since, we were consulted with, by your attorney general, about the validity of letter patents of the twenty-second year of your late dear father, for the erection of a new court within the verge, for those not of the household; and the said letters patent were once read over before us, being assembled privately about that business, and copies were appointed to be brought unto us to take the better

consideration thereof; but no copies were delivered unto us, neither did we hear any more of the business.

We find it also to be true, that some against whom judgments had been given in the said court, did bring them before us by writ of error, but did not proceed so far as to argument or judgment; and as to the new patent sithence granted, we knew not of it until after it was passed, nor were ever acquainted with the penning or passing thereof.

We understand also, that a writ of error is brought before us by *Fisher v. Wagstaff*, upon a judgment given in the last erected court, which cause hath proceeded no further than to the reading of the record. And the error assigned is only this, that neither of the parties were of your majesty's household; but the day to hear counsel not being yet come, we cannot understand, till we hear them, upon what points they will stand.

And your majesty may be pleased to be informed that the cause cometh before us by an ordinary course of proceeding, which we cannot stop, neither did we know of the cause, nor take notice of it, until the record was read in court; but when it shall be spoken unto, and we know what the question will be, we will be exceeding careful and circumspect according to our oaths, that your majesty should not suffer any prejudice or diminution in your power, royal and prerogative; neither do we make doubt, but that your majesty hath as full and as great power, and high prerogative, as any of your noble progenitors ever had, and we will ever maintain it to be so. And whereas your majesty's pleasure is to be informed by us of the defects in the said last patent, we have not yet heard the counsel open them what they are, that they mean to stand upon. However, if it be your majesty's pleasure, that we should, by way of consultation, take this patent into our consideration, we

humbly desire your majesty, that forasmuch as it is a matter of so great importance, that your majesty will be pleased for your better satisfaction to give order, that herein we may have the assistance of your judges of the Common Pleas, and barons of your Exchequer. And we shall all endeavour to do your majesty true and faithful service herein; and so we recommend your majesty by our prayers to the protection of the Almighty, and rest

Your majesty's faithful servants and subjects.

## B.

## TABLE OF FEES,

*To be taken by the gaoler, or keeper of the Marshalsea prison, in Southwark, in the county of Surry, for any prisoner, or prisoners committed, on coming into gaol, for chamber rent there, or discharged from thence, on any civil action, settled and established the 17th day of May, in the fifth year of the reign of his present majesty king George III. 1765, pursuant to an act of parliament, entitled, "An Act for the Relief of Debtors with respect to the Imprisonment of their Persons."*

	£.	s.	d.
1. To the knight marshal upon the discharge of every prisoner charged with one or more action - - -	0	1	8
2. To the keeper, for his care and safe custody of every prisoner, upon the discharge of such prisoner on the first action - -	0	4	8
3. To the keeper, upon the discharge of such persons charged with one or more actions	0	3	8
4. To the surgeon or apothecary, on the discharge of every person charged with one or more actions - - -	0	1	0
5. To the chaplain, on the like discharge	0	1	0
6. To the turnkey, on the discharge of every prisoner on the first action -	0	1	6
7. To the turnkey, on the discharge of such prisoner charged with one or more actions after the first - - -	0	1	0
8. To the clerk, for entering the discharge of a prisoner on one or more actions -	0	1	0

**TABLE OF FEES.**

**43**

**£. s. d.**

- |   |   |   |              |
|---|---|---|--------------|
| <b>9. To the keeper, for the use of a bed, bedding,</b> |   |   |              |
| <b>and sheets, for every prisoner, if found by</b>      |   |   |              |
| <b>the gaoler, at the prisoner's request, for the</b>   |   |   |              |
| <b>first night</b>                                      |   |   |              |
| -   | - | - | <b>0 0 6</b> |
| <b>10. Every night after the first</b>                  |   |   |              |
| -   | - | - | <b>0 0 3</b> |
| <b>11. If two lie in a bed, each</b>                    |   |   |              |
| -   | - | - | <b>0 0 2</b> |

**No other fees, for the use of chambers, bed,  
bedding, or upon commitment, or discharge  
of any prisoner in any civil action.**

**W. RICHARDSON.**

**MANSFIELD.**

**A. BISHOP.**

**C. PRATT.**

**L. HOWARD.**

**T. PARKER.**

## A LIST OF LEGACIES

*To the Prison of the Marshalsea and Palace Court.*

	<i>£.</i>	<i>s.</i>	<i>d.</i>
1. Of Henry Alnat, Esq., for the release of debtors, whose respective plaintiffs will accept of a small sum in full satisfaction for the debt and costs	100	0	0
2. The monthly, or exhibition money, is £5. per month, out of which 10s. per month is deducted as poundage, or it only would be paid yearly	65	0	0
3. The legacy of Frederic Ashfield, to provide 2lbs. of meat per week for from ten to twenty prisoners	50	0	0
N.B. Paid by Mr. W. Railton of Clifford's Inn.			
4. Ditto of Mrs. Frances Ashton, for the release of prisoners, who are proper objects			
N.B. Paid by Robert Long, Esq. in such proportions as the trustees think proper			
5. Ditto of John Pelling, for the like purpose	9	0	0
N.B. Paid by Messrs. Hoares in Fleet Street.			
6. Ditto of Sir Thomas Gresham; paid quarterly by the chamberlain of London, 2£. 10s. per quarter.	10	0	0
7. Ditto of Mrs. Mary Simcott; paid by the chamberlain of London, 65 penny loaves			
8. Ditto of Mr. Jacobs, left in 1609; paid yearly by the proprietors of the Grainge Inn, Cary Street, at Easter	2	0	0



# LIST OF LEGACIES, &c.

41

	£.	s.	d.
9. Legacy of Mr. John Marks, 12. per annum, and the interest of 21£. 18s. 10d. S. S. Stock; paid by the company of messers -	1	10	1
10. A quantity of bread and money sent by the company of Leather Sellers, is at the rate of 6s. 8d. quarterly.			
11. Legacy of Mr. Robert Ramston; paid at Christmas - - -	1	0	0
12. Gift of William Roper, Esq.; paid by the company of Parish Clerks yearly -	1	0	0
13. Legacy of Mr. J. Gaythorn; by the company of Cutlers, at Christmas -	0	15	0
14. Ditto of Mr. T. Dawson; paid by the church- wardens of St. Ethelburgh, Bishopsgate	0	9	0
15. Ditto of Mrs. Lettice Smith and Mr. Arthur Moses; paid by the company of Fishmon- gers - - -	0	6	8
16. Company of Salters send annually -	0	6	8
17. Gift of Thomas Caster; by the church- wardens of St. Dunstan's in the East, at Lady-day yearly, is a quarter of beef, and a peck of oatmeal yearly.			
18. Legacy of the late Mr. Baron Smythe, is 15 stone of beef yearly, at Christmas.			
19. Company of Drapers yearly, 60 loaves.			
20. Legacy of Mr. Ralph Carter, a quantity of beef, at Christmas; paid one year by the churchwardens of Allhallows, and the next by those of St. Andrew, Undershaft.			
21. Company of Ironmongers send yearly, on the 15th of November, a quantity of beef and bread.			

*The following voluntary Donations are generally paid yearly.*

	£.	s.	d.
1. The Archbishop of Canterbury, yearly	1	0	0
2. The Lord Steward of the H. M. Household,			
ditto                   -           -           -	5	5	0
3. The Steward of the Court, ditto                   -	1	1	0
4. The Prothonotary, Council, and Attornies of the Court			
5. Henry Thornton, Esq.                   -           -	5	5	0

**A LIST**  
**OF**  
**SOME OF THE STEWARDS**  
**OF THE**  
**MARSHALSEA.**

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**20 Eliz.** THOMAS SECKFORD, Esq. Master of Requests.

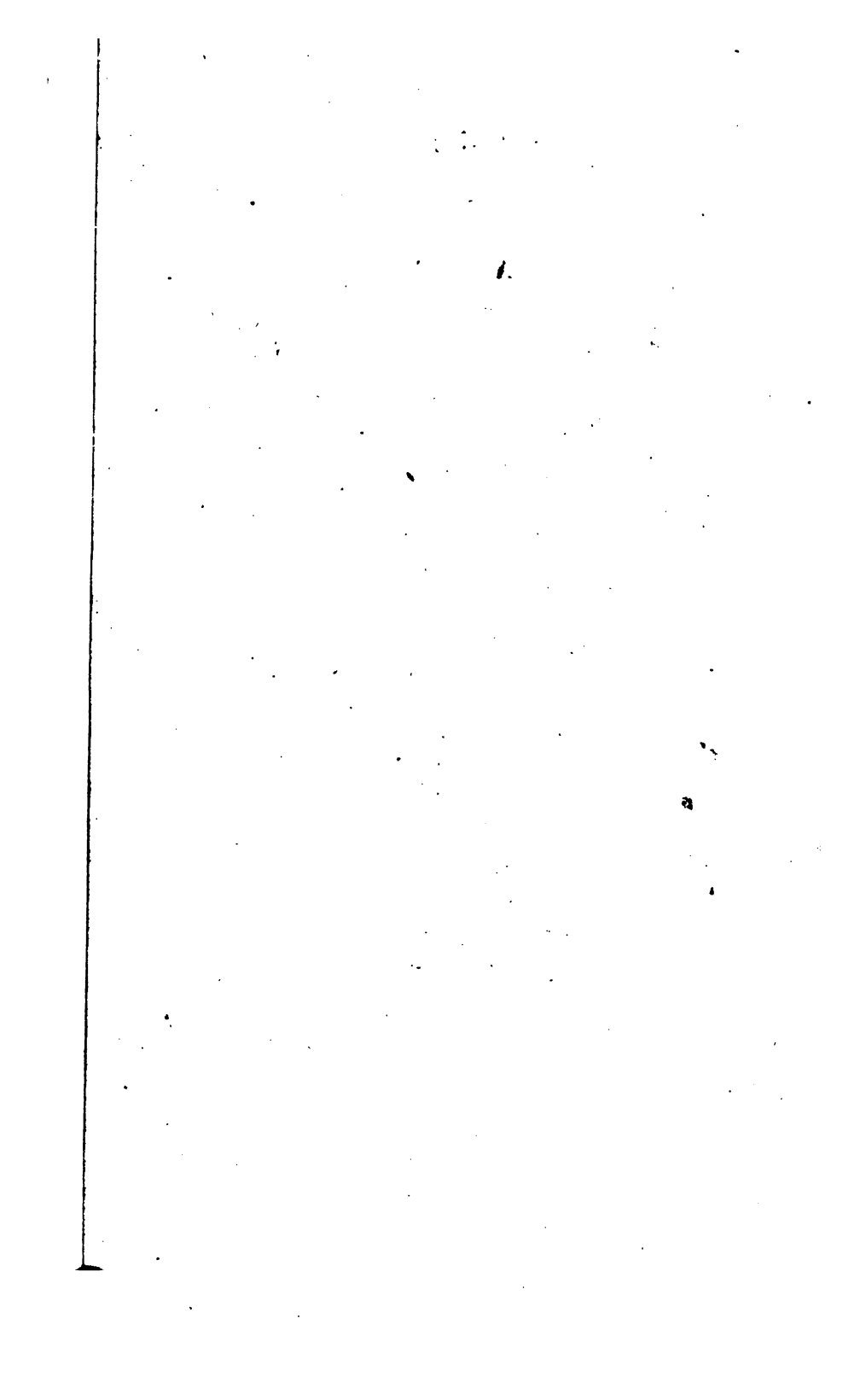
**5 Jac.** THOMAS WARRE, Esq.

**8 Jac.** SIR FRANCIS BACON, Solicitor General; also  
Steward of the New Court.

**6 Car. 1.** SIR EDWARD HERBERT, also Steward of the  
New Court.

**16 Car 2.** HENRY WYNNE, Esq., also first Steward of  
the present Palace Court.

These were also Stewards of the Palace Court.	{	SIR JAMES BUTLER.
		SIR JOHN BENNETT.
		SIR JOHN DARNELL.
		SIR THOMAS ABNEY.
		SYDNEY STAFFORD SMYTHE, Esq.
		JOHN CAY, Esq.
		LEVETT BLACKBURN, Esq.
		JAMES STANLEY, Esq.
		BURTON MORICE, Esq.







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